

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MITCHELL D. PUGH,

Plaintiff,

CASE NO. 1:06-cv-138

v.

HONORABLE PAUL L. MALONEY

PATRICIA CARUSO, et al.,

Defendants.

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

The Court has reviewed the Report and Recommendation (Dkt. No. 89) filed by United States Magistrate Judge Joseph G. Scoville in this action. The Report and Recommendation was duly served on the parties. No objections have been filed. The court has reviewed the Report and Recommendation and finds it factually accurate and the legal conclusions sound.

ACCORDINGLY, the Report and Recommendation is hereby adopted as the opinion of the Court.

THEREFORE, IT IS ORDERED that all claims against defendant Abrams are **DISMISSED without prejudice** under Rule 4(m) of the Federal Rules of Civil Procedure.

IT IS FURTHER ORDERED that all claims against defendants in their individual capacities are **DISMISSED** as noncognizable, and all claims against defendants for damages in their official capacities are **DISMISSED with prejudice** as they are barred by the Eleventh Amendment immunity.

IT IS FURTHER ORDERED that plaintiff's claims for injunctive and declaratory relief against SLF defendants Lafler, Mayfield, and Caldwell are **DISMISSED as moot**.

IT IS FURTHER ORDERED that defendants Caruso, Armstrong, Lafler, Mayfield, and Caldwell's motion for summary judgment (Dkt. No. 71) is **GRANTED**. Plaintiff's complaint is **DISMISSED**.

IT IS FURTHER ORDERED that Defendant Caldwell's motion for summary judgment (Dkt. No. 47), the prior Report and Recommendation (Dkt. No. 63), and Plaintiff's objections (Dkt. Nos. 64 and 66) are **DISMISSED as moot**.

Because the plaintiff proceeds *in forma pauperis*, the Court must determine whether any appeal would be taken in good faith. *See* 28 U.S.C. § 1915(a)(3); *McGore v. Wrigglesworth*, 114 F.3d 601, 610 (6th Cir. 1997). Because no objections have been filed, the court concludes that an appeal would not be taken in good faith.

This action is terminated.

Dated: September 22, 2010

/s/ Paul L. Maloney
Paul L. Maloney
Chief United States District Judge